

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	
Frampton E. Ellis, III	:	Group Art Unit:
	:	Not Yet Known
	:	
Application No.:	:	
Unknown	:	
Divisional of U.S. Application No. 09/974,786	:	Examiner:
	:	Not Yet Assigned
Filed: Herewith	:	
	:	Attorney Docket No.:
	:	ANAT-3USDIV12
For: Shoe Sole Structures	:	

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §1.56 and 1.97(b)(1), Applicants bring to the attention of the Examiner the documents listed on the attached Substitute Form PTO 1449. These documents are listed on the attached Substitute Form PTO 1449. No fee is believed to be due in connection with this filing since this Information Disclosure Statement is being filed prior to issuance of a first Office Action.

However, if any fee is due, the Commissioner is authorized to charge Deposit Account No. 50-0462. Moreover, please credit any overpayment to Deposit Account No. 50-0462.

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

Date: 22 October 2003

I hereby certify that this paper, along with any document or paper referred to as being attached or enclosed, is being sent in a pre-paid envelope first class mail to the Commissioner for Patents, Washington, D.C. 20231

Carla P. McGuffie
Name of person sending correspondence

Carla P. McGuffie
Signature of person sending correspondence

The references cited on the attached Substitute PTO 1449 were previously cited in the parent application (U.S. Patent Application No. 09/974,786). Copies of the references can be found in the parent application.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Substitute PTO 1449 form.

This submission does not represent that a search has been made (37 C.F.R. §1.97(g)) or that no better art exists and does not constitute an admission that each or all of the listed documents are material (37 C.F.R. §1.97(h)) or constitute "prior art". The filing of this information disclosure statement shall not be construed as an admission against interest in any matter. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.


If the Examiner applies any document as prior art against any claims in the application and Applicant determined that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should one the document be applied against the claims of the present application.

Respectfully submitted,

Date: 10/22/2003

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FORM PTO-1449 Modified List of Patents and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office	Sheet 1 of 1	
	Docket No. ANAT-1USCON4	Serial No. 09/648,792
	Applicant Frampton E. Ellis III	
	Filing Date August 28, 2000	Group 3728

U.S. Patent Documents						
Examiner Initial		Document No.	Date	Name	Class	Subclass
	AA	119,894	10/10/1871	D. M. Smyth		
	AB	4,237,627	12/9/1980	Turner		
	AC	4,364,188	12/21/1982	Turner et al.		
	AD	4,435,910	3/13/1984	Marc		
	AE	4,550,510	11/5/1985	Stubblefield		
	AF	4,722,677	2/2/1988	Rebers		
	AG	4,918,841	4/24/1990	Turner et al.		
	AH	5,575,089	11/19/1996	Giese et al.		
	AI	5,628,128	5/13/1997	Miller et al.		
	AJ					

Foreign Patent Documents						
Examiner Initial		Document No.	Date	Country	Translation YES NO	
	AK	EP0207063	10/6/1986	Europe	X Abstract only	
	AL	1,504,615	3/22/1978	UK		
	AM	GB2076633	12/9/1981	UK		
	AN	GB2133668	8/1/1984	UK		
	AO	JP2279103	11/15/1990	Japan	X- Abstract only	
	AP	WO8707481	12/17/1987	PCT		

EXAMINER	DATE CONSIDERED
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	Docket No. ANAT-3USDIV10	Serial No. 09/974,786
	Applicant Frampton E. Ellis III	
	Filing Date Oct. 12, 2001	Group 3728

U.S. Patent Documents						
Examiner Initial		Document No.	Date	Name	Class	Subclass
	AA	4,237,627	12/9/1980	Turner	36/129	36/3
	AB	193,914	8/7/1877	Scotto Berry		
	AC	280,791	7/10/1883	Alfred Brooks		
	AD	288,127	11/6/1883	Frederick Shepard		
	AE	500,385	6/27/1893	William Hall		
	AF	532,429	1/8/1895	Leslie Rogers		
	AG	584,373	6/15/1897	Eduard Kuhn		
	AH	1,283,335	10/19/1918	F.J. Shillcock		
	AI	1,289,106	12/31/1918	Hugh Bullock		
	AJ	1,458,446	4/29/1921	Clarence Shaefer		
Foreign Patent Documents						
Examiner Initial		Document No.	Date	Country	Translation YES NO	
	AK	EP0207063	10/6/1986	Europe	X Abstract only	
	AL	GB1504615	3/22/1978	UK		
	AM	GB2076633	12/9/1981	UK		
	AN	GB2133668	8/1/1984	UK		
	AO	JP2279103	11/15/1990	Japan	X- Abstract only	
	AP	WO8707481	12/17/1987	PCT		
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U.S. Patent Documents

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	Docket No. ANAT-3USDIV10	Serial No. 09/974,786
	Applicant Frampton E. Ellis III	
	Filing Date Oct. 12, 2001	Group 3728

Examiner Initial		Document No.	Date	Name	Class	Subclass
	BA	4,271,606	6/9/1981	Rudy	36/28	29
	BB	4,314,413	1/9/1982	Dassier	36/129	36/25
	BC	1,622,860	9/22/1926	D.A. Cutler		
	BD	1,639,381	8/16/1927	George Manelas		
	BE	1,701,260	2/5/1929	W. Fischer		
	BF	1,735,986	11/19/1929	F. Wray		
	BG	1,853,034	4/12/1932	Charles Bradley		
	BH	1,870,751	8/9/1932	M.B. Reach		
	BI	2,120,987	6/21/1938	A.E. Murray		
	BJ	2,124,986	7/26/1938	W.L. Pipes		

Foreign Patent Documents

Examiner Initial		Document No.	Date	Country	Translation YES	NO
	BK	JP2136505	5/1990	Japan		X
	BL	DE3021936	4/1981	Germany	X	
	BM	DE2654116	1/1979	Germany	X	
	BN	JP1129505	6/1986	Japan		X
	BO	JP3086101	4/1991	Japan	X - Abstract only	
	BP	FR1245672	10/1960	France	X - Abstract only	

EXAMINER	DATE CONSIDERED
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List of Patents and Publications
Cited by Applicant
(Use several sheets if necessary)

U.S. Department of Commerce
Patent and Trademark Office

Docket No.
ANAT-3USDIV10

Serial No.
09/974,786

Applicant
Frampton E. Ellis III

Filing Date
Oct. 12, 2001

Group
3728

U.S. Patent Documents

Examiner Initial		Document No.	Date	Name	Class	Subclass
	CA	2,147,197	2/14/1939	A.A. Glidden		
	CB	2,155,166	4/18/1939	H.T. Kraft		
	CC	2,162,912	6/20/1939	B.B. Craver		
	CD	2,170,652	8/22/1939	N.M. Brennan		
	CE	2,179,942	11/14/1939	R.A. Lyne		
	CF	2,201,300	5/21/1940	W.W. Prue		
	CG	2,206,860	7/9/1940	P.A. Sperry		
	CH	2,251,468	8/5/1941	W.L. Smith		
	CI	2,328,242	8/31/1943	L.M. Witherill		
	CJ	2,345,831	4/4/1944	H.L. Pierson		

Foreign Patent Documents

Examiner Initial		Document No.	Date	Country	Translation YES NO
	CK	DE1948620	5/1971	Germany	X - Abstract only
	CL	DE1918132	6/1965	Germany	X - Abstract only
	CM	DE1918131	6/1965	Germany	X - Abstract only
	CN	DE2045430	3/1972	Germany	X
	CO	DE2036062	7/1970	Germany	X - Abstract only
	CP	DE 2522127	11/1976	Germany	X

EXAMINER**DATE CONSIDERED**

FORM PTO-1449 Modified List of Patents and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office	Sheet 4 of 11	
	Docket No. ANAT-3USDIV10	Serial No. 09/974,786
	Applicant Frampton E. Ellis III	
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U.S. Patent Documents						
Examiner Initial		Document No.	Date	Name	Class	Subclass
	DA	2,433,329	12/30/1947	J. Adler et al.		
	DB	2,434,770	1/20/1948	W.J. Lutey		
	DC	2,470,200	5/17/1949	I.D. Wallach		
	DD	55,115	5/11/1920	J.E. Barney		
	DE	119,894	4/9/1940	D. Sherman		
	DF	122,131	8/27/1940	R.E. Sannar		
	DG	128,817	8/12/1941	A.A. Esterson		
	DH	256,180	8/5/1980	James Turner	D2/317	309
	DI	256,400	8/19/1980	Famolare, Jr.	D2/319	320
	DJ	264,017	4/27/1982	Turner	D2/309	310
Foreign Patent Documents						
Examiner Initial		Document No.	Date	Country	Translation YES NO	
	DK	DE2525613	12/1976	Germany	X - Abstract only	
	DL	DE2602310	7/1977	Germany	X	
	DM	DE2613312	10/1977	Germany	X-Abstract only	
	DN	DE8219616.8	9/1982	Germany	X-Abstract only	
	DO	DE3113295	10/1982	Germany	X-Abstract only	
	DP	DE8530136.1	2/1988	Germany	X-Abstract only	
	DQ	DE1685293	7/1971	Germany	X - Abstract only	
	DR	DE831831.7	12/1984	Germany	X - Abstract only	
	DS	DE3347343	7/1985	Germany	X - Abstract only	
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	Docket No. ANAT-3USDIV10	Serial No. 09/974,786
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U.S. Patent Documents						
Examiner Initial		Document No.	Date	Name	Class	Subclass
	EA	265,019	6/22/1982	Vernonet	D2/319	320
	EB	272,294	1/24/1984	Watanabe	D2/309	310
	EC	280,568	9/17/1985	Stubblefield	D2/319	320
	ED	289,341	4/21/1987	Turner	D2/322	D2/319
	EE	298,684	11/29/1988	Pitchford	D2/264	265
	EF	302,900	8/22/1989	Kolman et al.	D2/264	265
	EG	310,131	8/28/1990	Hase	D2/264	265
	EH	310,132	8/28/1990	Hase	D2/264	265
	EI	310,906	10/2/1990	Hase	D2/204	205
	EJ	320,302	10/1/1991	Kiyosawa	D2/264	165
	EK	327,164	6/23/1992	Hatfield	D2/264	265
	EL	327,165	6/23/1992	Hatfield	D2/264	265
	EM	328,968	9/1/1992	Tinker	D2/264	265
	EN	329,528	9/22/1992	Hatfield	D2/264	265
	EO	329,739	9/29/1992	Hatfield	D2/264	265
	EP	330,972	11/17/1992	Hatfield, et al.	D2/264	265
	EQ	332,344	1/12/1993	Hatfield, et al.	D2/264	265
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U.S. Patent Documents						
Examiner Initial		Document No.	Date	Name	Class	Subclass
	FA	332,692	1/26/1993	Hatfield, et al.	D2/319	320
	FB	347,105	5/24/1994	Johnson	D2/896	897
	FC	372,114	7/30/1996	Tunre et al.	D2/969	D2/916
	FD	388,594	1/6/1998	Turner et al.	D2/902	906
	FE	409,362	5/11/1999	Turner et al.	D2/902	951
	FF	409,826	5/18/1999	Tuner et al.	D2/955	D2/951
	FG	410,138	5/25/1999	Turner et al.	D2/959	D2/951
	FH	444,293	7/3/2001	Turner et al.	D2/958	D2/953
	FI	450,916	11/27/2001	Turner et al.	D2/896	902
Other Documents (Including Author, Title, Date, Pertinent Pages, Etc.)						
	FJ	Johnson et al., « A Biomechanical Approach to the Design of Football Boots », <u>Journal of Biomechanics</u> , Vol. 9, pp. 581-585 (1976)				
	FK	Fixx, <u>The Complete Book of Running</u> , pp 134-137 1977				
	FL	Romika Catalog, Summer 1978				
	FM	adidas shoe, Model « Water Competition » 1980				
	FN	World Professional Squash Association Pro Tour Program, 1982-1983				
	FO	Williams et al., « The Mechanics of Foot Action During The GoldSwing and Implications for Shoe Design », <u>Medicine and Science in Sports and Exercise</u> , Vol. 15, No. 3, pp 247-255 1983				
	FP	Nigg et al., « Biomechanical Aspects of Sport Shoes and Playing Surfaces », <u>Proceedings of the International Symposium on Biomechanical Aspects of Sport Shoes and Playing Surfaces</u> , 1983				
	FQ	Valiant et al., « A Study of Landing from a Jump : Implications for the Design of a Basketball Shoe », <u>Scientific Program of IX Internatioanl Congress of Biomechanics</u> , 1983				
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	Applicant Frampton E. Ellis III	
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Other Documents (Including Author, Title, Date, Pertinent Pages, Etc.)		
Examiner Initial		
	GA	Frederick, <u>Sports Shoes and Playing Surfaces. Biomechanical Properties.</u> Entire Book, 1984
	GB	Saucony Spot-bilt Catalog Supplement, Spring 1985
	GC	adidas shoe, Model « Fire » 1985
	GD	adidas shoe, Model "Tolio H.", 1985
	GE	adidas shoe, Model "Buffalo" 1985
	GF	adidas shoe, Model, "Marathon" 86" 1985
	GG	adidas shoe, Model « Boston Super » 1985
	GH	Leuthi et al., « Influence of Shoe Construction on Lower Extremity Kinematics and Load During Lateral Movements In Tennis », <u>International Journal of Sport Biomechanics.</u> , Vol. 2, pp 166-174 1986
	GI	Nigg et al., <u>Biomechanics of Running Shoes</u> , entire book, 1986
	GJ	Runner's World, October 1986
	GK	AVIA Catalog 1986
	GL	Brooks Catalog 1986
	GM	adidas Catalog 1986
	GN	adidas shoe, Model « Questar », 1986
	GO	adidas shoe, Model "London" 1986
	GP	adidas shoe, Model « Marathon » 1986
	GQ	adidas shoe, Model « Tauern » 1986
	GR	adidas shoe, Model « Kingscup Indoor », 1986
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	Applicant Frampton E. Ellis III	
	Filing Date Oct. 12, 2001	Group 3728

Other Documents (Including Author, Title, Date, Pertinent Pages, Etc.)		
Examiner Initial		
	HA	Komi et al., "Interaction Between Man and Shoe in Running: Considerations for More Comprehensive Measurement Approach", <u>International Journal of Sports Medicine</u> , Vol. 8, pp. 196-202 1987
	HB	Nigg et al., « The Influence of Lateral Heel Flare of Running Shoes on Protraction and Impact Forces », <u>Medicine and Science in Sports and Exercise</u> , Vol. 19, No. 3, pp. 294-302 1987
	HC	Nigg, « Biomechanical Analysis of Ankle and foot Movement » <u>Medicine and Sport Science</u> , Vol. 23, pp 22-29 1987
	HE	Saucony Spot-bilt shoe, <u>The Complete Handbook of Athletic Footwear</u> , pp 332, 1987
	HF	Puma basketball shoe, <u>The Complete Handbook of Athletic Footwear</u> , pp 315, 1987
	HG	adidas shoe, Model, « Indoor Pro » 1987
	HH	adidas Catalog, 1987
	HI	adidas Catalog, Spring 1987
		Nike Fall Catalog 1987, pp 50-51
	HK	Footwear Journal, Nike Advertisement, August 1987
	HL	Sporting Goods Business, August 1987
	HM	Nigg et al., "Influence of Hell Flare and Midsole Construction on Pronation" <u>International Journal of Sport Biomechanics</u> , Vol. 4, No. 3, pp 205-219, (1987)
	HN	Vagenas et al., « Evaluationm of Rearfoot Asymmetries in Running With Worn and New Running Shoes « , <u>International Journal of Sport Biomechanics</u> , Vol., 4, No. 4, pp 342-357 (1988)
	HO	Fineagan, "Comparison of the Effects of a Running Shoe and A Racing Flat on the Lower Extremity Biomechanical Alignment of Runners", <u>Journal of the American Physical Therapy Association</u> , Vol., 68, No. 5, p 806 (1988)
	HP	Nawoczenside et al., « Effect of Rocker Sole Design on Plantar Forefoot Pressures » <u>Journal of the American Podiatric Medical Association</u> , Vol. 79, No. 9, pp 455-460, 1988
	HQ	Sprts Illustrated, Special Preview Issue, The Summer Olympics « Seoul '88 » Reebok Advertistement
	HR	Sports Illustrated, Nike Advertisement, August 8, 1988
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FORM PTO-1449 Modified List of Patents and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office	Sheet 9 of 11	
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	Applicant Frampton E. Ellis III	
	Filing Date Oct. 12, 2001	Group 3728

Other Documents (Including Author, Title, Date, Pertinent Pages, Etc.)		
Examiner Initial		
	IA	Runner's World, "Shoe Review" November 1988 pp 46-74
	IB	Footwear News, Special Supplement, February 8, 1988
	IC	Footwear News, Vol. 44, No. 37, Nike Advertisement (1988)
	ID	Saucony Spot-bilt Catalog 1988
	IE	Runner's World, April 1988
	IF	Footwear News, Special Supplement, February 8, 1988
	IG	Kronos Catalog, 1988
	IH	Avia Fall Catalog 1988
	II	Nike shoe, Model « High Jump 88 », 1988
	IJ	Nike shoe, Model « Zoom Street Leather » 1988
	IK	Nike shoe, Model, « Leather Cortex® », 1988
	IL	Nike shoe, Model « Air Revolution » #15075, 1988
	IM	Nike shoe, Model "Air Force" #1978, 1988
	IN	Nike shoe, Model « Air Flow » #718, 1988
	IO	Nike shoe, Model "Air" #1553, 1988
	IP	Nike shoe, Model « Air », #13213 1988
	IQ	Nike shoe, Model « Air », #4183, 1988
	IR	Nike Catalog, Footwear Fall, 1988
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	Applicant Frampton E. Ellis III	
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Other Documents (Including Author, Title, Date, Pertinent Pages, Etc.)		
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	JA	adidas shoe Model "Skin Racer" 1988
	JB	adidas shoe, Model «Tennis Comfort » 1988
	JC	adidas Catalog 1988
	JD	Segesser et al., "Surfing Shoe", <u>The Shoe in Sport</u> , 1989, (Translation of a book published in Germany in 1987), pp 106-110
	JE	Palamarchuk et al., "In shoe Casting Technique for Specialized Sports Shoes", <u>Journal of the American Podiatric Medical Association</u> , Vol. 79, No. 9, pp 462-465 1989
	JF	Runner's World, "Spring Shoe Survey", pp 45-74
	JG	Footwear News, Vol, 45, No. 5, Nike Advertisement 1989
	JH	Nike Spring Catalog 1989 pp 62-63
	JI	Prince Cross-Sport 1989
	JJ	adidas Catalog 1989
	JK	adidas Spring Catalog 1989
	JL	adidas Autumn Catalog 1989
	JM	Nike Shoe, men's cross-training Model "Air Trainer SC" 1989
	JN	Nike shoe, men's cross-training Model « Air Trainer TW » 1989
	JO	adidas shoe, Model "Torsion Grand Slam Indoor", 1989
	JP	adidas shoe, Model « Torsion ZC 9020 S » 1989
	JQ	adidas shoe, Model « Torison Special HI » 1989
	JR	Areblad et al., « Three-Dimensional Measurement of Rearfoot Motion During Running » <u>Journal of Biomechanics</u> , Vol., 23, pp 933-940 (1990)
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	Applicant Frampton E. Ellis III	
	Filing Date Oct. 12, 2001	Group 3728

Other Documents (Including Author, Title, Date, Pertinent Pages, Etc.)		
Examiner Initial		
	KA	Cavanagh et al., "Biomechanics of Distance Running", Human Kinetics Books, pp 155-164 1990
	KB	adidas Catalog 1990
	KC	adidas Catalog 1991
	KD	K-Swiss Catalog, Fall 1991
	KE	
	KF	
	KG	
	KH	
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EXAMINER		DATE CONSIDERED

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	Docket No. ANAT-3USDIV10	Serial No. 09/974,786
	Applicant Frampton E. Ellis III	
	Filing Date Oct. 12, 2001	Group 3728

U.S. Patent Documents						
Examiner Initial		Document No.	Date	Name	Class	Subclass
	LA	4,043,058	Aug. 23, 1977	Hollister et al.	36/102	36/28
	LB	4,128,950	Dec. 12, 1978	Bowerman et al.	36/30	36/59
	LC	4,769,926	Sep. 13, 1988	Meyers	36/43	36/44
	LD	4,894,933	Jan. 23, 1990	Tonkel et al.	36/28	36/30
	LE	4,897,936	Feb. 6, 1990	Fuerst	36/30	36/31
	LF	5,191,727	Mar. 9, 1993	Barry et al.	36/107	36/28
	LG	5,369,896	Dec. 6, 1994	Frachey et al.	36/29	36/28
	LH	5,572,805	Nov. 12, 1996	Giese et al.	36/30	36/31

Foreign Patent Documents						
		Document No.	Date	Country	Translation YES	NO
	LI	8431831	Dec. 1984	Germany	X – Abstract only	
	LJ	3113295	Oct. 1982	Germany	X – Abstract only	

EXAMINER	DATE CONSIDERED
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[illegible]

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	NA
		Filing Date	Herewith
		First Named Inventor	Ellis, III
		Group Art Unit	3728
		Examiner Name	Unknown
		Atty. Docket No.	5884.0019-03
OTHER DOCUMENTS			
*Examiner Initials	Other Documents (Including Author, Title, Place of Publication, Date, Pertinent Pages, etc.)		T**
	Originally filed specification for U.S. Patent Application Serial No. 09/785,200, filed February 20, 2001 (ELL-012D/Div 2)		
	Originally filed specification for U.S. Patent Application Serial No. 09/734,905, filed December 13, 2000 (ELL-012D/Div 1)		
	Originally filed specification for U.S. Patent Application Serial No. 09/790,626, filed February 23, 2001 (ELL-003/Div 3)		
	Originally filed specification for U.S. Patent Application Serial No. 09/780,450, filed February 12, 2001 (ELL-003/Div 2)		
	Originally filed specification for U.S. Patent Application Serial No. 09/710,952, filed November 14, 2000 (ELL-003/Div 1)		
	Originally filed specification for U.S. Patent Application Serial No. 08/376,661, filed January 23, 1995 (ELL-003/FWCon3)		
	Originally filed specification for U.S. Patent Application Serial No. 08/482,838, filed June 7, 1995 (ELL-011)		
	Originally filed specification for U.S. Patent Application Serial No. 08/462,490, filed May 30, 1995 (ELL-004/Con3) and Originally filed specification for U.S. Patent Application Serial No. 08/473,974, filed June 7, 1995 (ELL-012M)		
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Examiner Signature			Date Considered:
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)	Application Number	09/734.905
	Filing Date	December 13, 2000
	First Named Inventor	Ellis, III
	Group Art Unit	3728
	Examiner Name	Patterson
	Atty. Docket No.	5884.0019-01

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Examiner Signature	Date Considered:
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	UNKNOWN
		Filing Date	December 12, 2000
		First Named Inventor	Frampton E. Ellis, III
		Group Art Unit	3728
		Examiner Name	M. Patterson
		Atty. Docket No.	5884.0019-01
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		Examiner Name	M. Patterson
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	27 37 765	Germany	03/08/1979	ABS
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*Examiner Initials	Foreign Patent Document Number	Country	Date of Publication of Cited Document MM-DD-YYYY	Translation
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(Use as many sheets as necessary)			
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* Examiner Initials	Other Documents (Including Author, Title, Place of Publication, Date, Pertinent Pages, etc.)		
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Examiner Signature			Date Considered:
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